

**OPINION
66-143**

August 9, 1966 (OPINION)

Mr. Ralph M. Wood, Superintendent

Highway Patrol

RE: Motor Vehicles - Trailers - Equipment

This is in reply to your letter of August 5, 1966, relative to section 39-21-32 of the North Dakota Century Code. You state the following facts and question:

"A question has been raised on the interpretation of section 39-21-32 of the North Dakota Century Code relative to camp trailers, private trailers, semitrailers or any other trailer used on North Dakota highways.

"Specifically, the question is this. Are not all trailers, with reference to subsection 3 of section 39-21-32, required to have safety chains or brakes? If not what are the exceptions?

"Camp trailers mentioned above are those trailers not classed as mobile homes."

Subsection 3 of section 39-21-32 of the North Dakota Century Code, as amended, provides:

"Every trailer or semitrailer when operated upon a highway at a speed in excess of fifteen miles per hour shall be equipped with safety chains or brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes shall be so designed and connected that in case of an accidental break-away of the towed vehicle the brakes shall be automatically applied."

The terms "trailer" and "semitrailer" are defined by section 39-01-01 of the North Dakota Century Code, as amended, as follows:

"In this title, unless the context or subject matter otherwise requires:

* * *

5. 'Semitrailer' shall include every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by a motor vehicle, except that it shall not include a 'house trailer' or 'mobile home' as defined in subsection 68 of this section;

* * *

8. 'Trailer' shall include every vehicle without motive power

designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle, except that it shall not include a 'house trailer' or 'mobile home', which terms shall mean a vehicle as defined in this subsection which is designed and intended for use as living or sleeping quarters for people and which is not used for commercial hauling of passengers;

* * *."

All trailers and semitrailers, as defined above, must be equipped with safety chains or brakes as required by section 39-21-32(3).

Mobile homes and house trailers are exempted from the requirements of section 39-21-32(3) of the North Dakota Century Code, as amended. However, we would note that they are governed in this respect by section 39-18-04 of the North Dakota Century Code.

In summary, it is our opinion that all trailers and semitrailers, as defined above, must be equipped with safety chains or brakes as required by section 39-21-32 of the North Dakota Century Code, as amended, if they are operated upon the highways of this state at a speed in excess of fifteen miles per hour.

HELGI JOHANNESON

Attorney General